

## EXHIBIT 78

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL ) MDL No. 2804  
5 PRESCRIPTION OPIATE )  
6 LITIGATION, ) Case No.  
7 ) 1:17-MD-2804  
8 )  
9 THIS DOCUMENT RELATES TO ) Hon. Dan A.  
10 ALL CASES ) Polster  
11 )  
12 )

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Wednesday, January 9, 2019

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
CONFIDENTIALITY REVIEW

Videotaped Deposition of GEORGE  
CHAPMAN, held at 4206 South J.B. Hunt Drive,  
Rogers, Arkansas, commencing at 9:00 a.m., on  
the above date, before Debra A. Dibble,  
Certified Court Reporter, Registered  
Diplomate Reporter, Certified Realtime  
Captioner, Certified Realtime Reporter and  
Notary Public.

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1 area of responsibility at that point?

2 MR. VARNADO: Object to the  
3 form.

4 THE WITNESS: I'm sorry, what  
5 was that?

6 Q. (BY MR. INNES) I'm sorry.

7 What was your area of  
8 responsibility at that point?

9 A. Our area of responsibility was  
10 everything within the practice compliance and  
11 the practice of pharmacy at our locations,  
12 our retail pharmacy settings.

13 Q. What was your responsibility at  
14 that point as it related to the distribution  
15 of opioids?

16 MR. VARNADO: Object to the  
17 form.

18 THE WITNESS: Can you repeat  
19 that?

20 MR. INNES: Sorry, that was  
21 fast. I'm sorry.

22 Q. (BY MR. INNES) What was your  
23 responsibility at that point as it related to  
24 the distribution of opioids?

25 MR. VARNADO: Object to the

1 form.

2 THE WITNESS: We dispensed  
3 opioids in our retail pharmacies.

4 Q. (BY MR. INNES) In 2014, was  
5 Walmart a distributor of opioids?

6 A. That was not my area of  
7 responsibility.

8 Q. What responsibility, if any,  
9 did you have in 2014 regarding distribution?

10 A. Someone in our area worked with  
11 our logistics partners to make enhancements  
12 to their system.

13 Q. Who was that person?

14 A. Miranda Johnson.

15 Q. Okay. And at that point in  
16 time, 2014, you were the senior director of  
17 health and wellness compliance?

18 A. Yes.

19 Q. And did Ms. Johnson report to  
20 you at that point in time?

21 A. She did not. She reported to  
22 someone else.

23 Q. Who did she report to at that  
24 point?

25 A. She reported to Tim Koch.

1 K-O-C-H.

2 Q. And at that point in time, was  
3 Mr. Koch involved in the -- was Mr. Koch  
4 involved in the -- strike that.

5 In 2014, senior director of  
6 health and wellness compliance that dealt  
7 with Walmart's compliance with the CEA -- CSA  
8 as it relates to the distribution of opioids  
9 was Tim Koch?

10 MR. VARNADO: Object to the  
11 form.

12 THE WITNESS: Tim Koch would  
13 have been a senior director. His  
14 responsibility would have been for  
15 making sure our stores, our pharmacy  
16 retail sites had the appropriate  
17 practice acts for both federal and  
18 state legislation.

19 But we did not have  
20 responsibility for logistics.

21 Q. (BY MR. INNES) What do you  
22 mean -- are you using "logistics" as a  
23 synonym for "distribution"?

24 A. Logistics is our distribution.

25 Q. Is it your understanding that

1 during that point in time, health and  
2 wellness compliance had no role in compliance  
3 with the CSA as it relates to the  
4 distribution of opioids?

5 MR. VARNADO: Object to form.

6 Go ahead.

7 THE WITNESS: What time period?

8 MR. INNES: We're in 2014.

9 THE WITNESS: 2014, that  
10 responsibility was with our logistics  
11 distribution center folks.

12 Q. (BY MR. INNES) Okay. Practice  
13 compliance had no role at all?

14 MR. VARNADO: Object to form.

15 THE WITNESS: Practice  
16 compliance did not have responsibility  
17 for the logistics department and SOM  
18 reporting.

19 Q. (BY MR. INNES) That's not my  
20 question. I want to know if the practice  
21 compliance division had any responsibility  
22 regarding the distribution of opioids in  
23 2014.

24 A. No.

25 Q. When, if ever, did the practice

1 compliance division have responsibility  
2 relating to the distribution of opioids?

3 A. The practice compliance  
4 department would not have responsibility for  
5 distribution.

6 Q. What role, if any, did the  
7 practice compliance division have relating to  
8 the diversion or potential diversion of  
9 opioids in 2014?

10 MR. VARNADO: Object to form.

11 THE WITNESS: Practice  
12 compliance had responsibility for  
13 theft and diversion within our  
14 pharmacies for -- either by  
15 pharmacists, technicians, or for  
16 forged or altered prescriptions that  
17 would be presented at our pharmacies.

18 Q. (BY MR. INNES) When, if ever,  
19 did -- strike that.

20 Can you describe those  
21 responsibilities in detail?

22 A. I'm sorry, can you --

23 Q. Can you describe those  
24 responsibilities that you had?

25 MR. VARNADO: Object to the

1 form.

2 THE WITNESS: For the  
3 pharmacist, technician, or forged or  
4 altered prescriptions.

5 Q. (BY MR. INNES) Let me rephrase  
6 the question.

7 Your testimony is that practice  
8 compliance had responsibility for the theft  
9 and diversion within our pharmacies, for  
10 either pharmacists, technicians, or forged or  
11 altered prescriptions that would be presented  
12 to our pharmacists.

13 Is that accurate?

14 THE WITNESS: Practice  
15 compliance had the responsibility for  
16 reporting to the DEA or to state  
17 regulatory agencies of any theft or  
18 diversion within our pharmacies.  
19 Reporting.

20 Q. (BY MR. INNES) And we're  
21 talking in 2014 right now?

22 A. Yes.

23 Q. Was that same responsibility  
24 with practice compliance before 2014?

25 A. Yes.



1 Q. What years was that -- let me  
2 do it differently.

3 What years, to the best of your  
4 knowledge, was practice compliance  
5 responsible or involved in the reporting that  
6 you just described?

7 A. Since I came to the regulatory  
8 affairs area, it would have been from -- that  
9 I know of -- would have been from 2012 on.

10 Q. But you did come to regulatory  
11 affairs prior to 2012; correct?

12 A. It -- it -- that's correct.

13 So it would -- it would have  
14 been in -- when I came over to regulatory  
15 affairs, which was 2009.

16 Q. 2009. Okay.

17 So from 2009 forward, to the  
18 best of your knowledge, practice compliance  
19 was responsible or involved in reporting a  
20 diversion to the DEA and --

21 MR. VARNADO: Object to the  
22 form.

23 Q. (BY MR. INNES) -- and state  
24 agencies?

25 MR. VARNADO: Sorry. Object to

1 the form.

2 THE WITNESS: Practice  
3 compliance had responsibility if we  
4 had diversion in our pharmacies, of  
5 reporting that diversion if it was a  
6 pharmacist, if it was a technician, or  
7 if we had some theft or loss inside  
8 our pharmacy due to a robbery would  
9 have been our responsibility.

10 Q. (BY MR. INNES) What about  
11 orders placed by pharmacists to Walmart  
12 distribution centers?

13 A. Can you be more specific?

14 Q. If an order was -- if an order  
15 that met the criteria --

16 Strike that.

17 We'll circle back to this. I  
18 think there's a better -- maybe a better way  
19 to get where we need to go.

20 I asked you earlier when you  
21 first became aware of a DEA regulation  
22 requiring Walmart to identify suspicious  
23 orders. And your testimony is -- was that  
24 2015?

25 MR. VARNADO: Object to form.

1 THE WITNESS: That I understood  
2 the responsibility for our warehouses  
3 to report SOM reporting? Is that what  
4 you're asking?

5 Q. (BY MR. INNES) For Walmart.

6 A. Sometime around 2014, I would  
7 have been aware of the responsibility for  
8 reporting of suspicious order monitoring.

9 Q. Do you consider suspicious  
10 order monitoring to be a part of diversion?

11 MR. VARNADO: Object to form.

12 THE WITNESS: My understanding  
13 of diversion was within our pharmacies  
14 with the pharmacy technician, forged  
15 or altered prescription, theft or  
16 robbery. Now I understand that  
17 diversion is included within what's  
18 considered suspicious order  
19 monitoring.

20 Q. (BY MR. INNES) And when did  
21 that understanding change to your current  
22 understanding?

23 A. I can't remember an exact date,  
24 but it would be after conversations began  
25 around the opioid crisis.

1 Q. When did the opioid crisis  
2 begin?

3 MR. VARNADO: Object to the  
4 form.

5 THE WITNESS: I first became  
6 aware of when everyone was using the  
7 term around -- "opioid crisis" --  
8 probably 2014, 2015.

9 Q. (BY MR. INNES) So is that  
10 around the time your understanding changed?

11 A. My understanding of?

12 Q. Diversion.

13 A. I'm sorry?

14 Q. Diversion.

15 A. Yes.

16 Q. End of 2014, beginning of 2015,  
17 you came to a different understanding of  
18 diversion? Your current understanding of  
19 diversion?

20 A. That a suspicious order could  
21 be considered as diversion.

22 Q. When did you first become  
23 aware, if ever, that Walmart is required to  
24 maintain effective controls against  
25 diversion?

1           A.       Can you repeat that? I'm  
2       sorry.

3           Q.       Certainly.

4                    When did you first become  
5       aware, if ever, that Walmart has a  
6       responsibility to maintain effective controls  
7       against diversion?

8           A.       Since beginning my role in  
9       2009, I would have been aware of our  
10      responsibility to prevent diversion as it  
11      pertained to forged and altered  
12      prescriptions, theft within our pharmacies.  
13      That was my understanding.

14          Q.       But again, in 2014, late 2014,  
15      2015, your understanding of diversion  
16      changed?

17          A.       That a suspicious order could  
18      be considered diversion activity.

19          Q.       I just want to make sure I have  
20      the record clear here.

21                    So your first awareness that  
22      Walmart had an obligation to maintain  
23      effective controls against diversion was  
24      sometime in 2009; is that right?

25          A.       I can't speak to when Walmart

1 understood their obligation. That wasn't  
2 controlled by our department.

3 Q. If I misspoke -- I'm interested  
4 in your knowledge. So I can rephrase that  
5 question.

6 I see that I do have it wrong  
7 in my transcript. Let me rephrase that.

8 It's your testimony that you  
9 first became aware of Walmart's obligation to  
10 maintain effective controls against diversion  
11 sometime in 2009?

12 MR. VARNADO: Object to form.

13 THE WITNESS: Can you repeat  
14 that? I'm sorry.

15 Q. (BY MR. INNES) You first  
16 became aware of Walmart's obligation to  
17 maintain effective controls against diversion  
18 sometime in 2009.

19 A. Diversion, as my understanding  
20 of it, was 2009 when I joined the regulatory  
21 affairs.

22 Q. Again, I'm just asking whether  
23 or not you had a particular awareness of that  
24 particular piece of the Controlled Substances  
25 Act. Divorced from what your understanding

1 of diversion was, I just want to know if you  
2 were aware of that particular obligation  
3 under the CSA. And that would have been in  
4 2009. Do I have that correct?

5 MR. VARNADO: Object to form.

6 THE WITNESS: The particular  
7 piece of?

8 MR. INNES: Walmart's  
9 obligation to maintain effective  
10 controls against diversion.

11 THE WITNESS: Are you talking  
12 about SOM reporting?

13 Q. (BY MR. INNES) Is SOM  
14 reporting part of Walmart's maintenance of  
15 effective controls against diversion?

16 A. My understanding of diversion  
17 at the time in 2009 was what I described  
18 earlier. But then around 2014, we became  
19 more involved with logistics and their  
20 responsibility for reporting SOM.

21 Q. When you became more involved  
22 with the logistics team and their  
23 responsibility for reporting SOM, do you  
24 recall at that time if the logistics team had  
25 a different understanding of diversion than

1       you did in 2014?

2                       MR. VARNADO: Object to the  
3                       form.

4                       THE WITNESS: I can't speak to  
5                       their understanding.

6               Q.       (BY MR. INNES) Did you ever  
7       have a conversation with anyone in logistics  
8       regarding what diversion was as it relates to  
9       the CSA in 2014?

10              A.       I can't recall that  
11              conversation.

12              Q.       Was there a conversation?

13              A.       I can't recall that there was a  
14              conversation.

15              Q.       There may have been a  
16              conversation?

17              A.       I'm sorry?

18              Q.       There may have been a  
19              conversation?

20              A.       I can't recall that.

21              Q.       You can't recall whether or not  
22              there was a conversation?

23              A.       I don't know if there was any  
24              conversation.

25                      MR. INNES: For the record, now



1 I'm getting glare off the computer  
2 screen, so we're all on an even  
3 playing field.

4 MR. VARNADO: All in it  
5 together now.

6 MR. INNES: I just want the  
7 record to be clear now.

8 THE WITNESS: The sun is  
9 terrible.

10 (Discussion off the record.)

11 THE VIDEOGRAPHER: Let's go off  
12 the record for one second, if that's  
13 okay.

14 MR. INNES: Sure.

15 THE VIDEOGRAPHER: 11:08. We  
16 are off video record.

17 (Recess taken, 11:08 a.m. to  
18 11:17 a.m.)

19 THE VIDEOGRAPHER: 11:17. We  
20 are on the video record.

21 Q. (BY MR. INNES) Mr. Chapman,  
22 let me continue on this same vein for a  
23 little while.

24 When, if ever, did you become  
25 aware of Walmart's responsibility to exercise

1       due diligence to avoid fulfilling suspicious  
2       orders that might be diverted into other than  
3       legitimate medical and scientific or  
4       industrial channels?

5                       MR. VARNADO: Object to form.

6                       THE WITNESS: We started  
7               working with the logistics group under  
8               a suspicious order monitoring program  
9               sometime in 2014.

10              Q.       (BY MR. INNES) Okay. And I'm  
11       not sure that fully answers my question.

12                      Is it your testimony that  
13       sometime in 2014, you became a Walmart -- you  
14       became aware of Walmart's statutory  
15       responsibility to exercise due diligence to  
16       avoid filling suspicious orders that might be  
17       diverted into other than legitimate medical  
18       and scientific or industrial channels?

19                      MR. VARNADO: Object to the  
20       form.

21                      THE WITNESS: Can you repeat  
22       that?

23              Q.       (BY MR. INNES) Is it your  
24       testimony that sometime in 2014, you became  
25       aware of Walmart's responsibility to exercise

1 shipping until it cleared its investigation  
2 of that order?

3 MR. VARNADO: Object to the  
4 form.

5 THE WITNESS: That would be a  
6 procedure guide that the logistics  
7 team would have had, and I'm not aware  
8 of it.

9 Or I can't recall it.

10 Q. (BY MR. INNES) Are you saying  
11 that that is a policy that would not have  
12 been in your purview during that time?

13 A. Correct.

14 Q. Are you aware of a policy in  
15 logistics that articulated that?

16 A. I don't know.

17 Q. Okay. So let's carry forward  
18 to 2014 now.

19 You're a senior director at  
20 health and wellness practice compliance. The  
21 same procedure -- the same policies and  
22 procedures that were articulated in the  
23 written portion of Walmart's response and  
24 that we discussed for the year 2013, those  
25 have now carried forward to 2014, are still

1 in place.

2 Is that a correct  
3 understanding?

4 MR. VARNADO: Object to the  
5 form.

6 THE WITNESS: Which -- I don't  
7 know what you're referring to. Which?

8 MR. INNES: Sure.

9 So if you look at the written  
10 portion of the response at bullets 3,  
11 4, and 5.

12 THE WITNESS: Okay.

13 Q. (BY MR. INNES) Is there any --

14 A. This is what you're talking  
15 about? The bullet?

16 Q. Yes.

17 And specifically bullets 3, 4,  
18 and 5.

19 A. Okay.

20 Q. All of those policies are in  
21 effect in 2014; is that correct?

22 A. These are all pharmacy  
23 distribution procedures that they would be  
24 following, and I know they existed before  
25 2015.

1           Q.       Thank you for that. So my  
2       question is a little bit more specific.

3                   I'm wondering if you have any  
4       reason to believe that any of these policies  
5       were not in effect in the year 2014?

6           A.       No.

7           Q.       Okay. Thank you.

8                   Again, in tab 2, do you have  
9       any reason to believe that this policy was  
10      not in effect in 2014?

11          A.       Tab 2, the logistics pharmacy  
12      manual, controlled substance?

13          Q.       Yes, sir. It ends in Bates  
14      No. 11106.

15          A.       Yeah, it has a -- it has a date  
16      stamp of November 2010 was the last time,  
17      according to this document, that it was  
18      revised.

19          Q.       Okay. Does that cause you to  
20      question whether or not that was in effect in  
21      the year 2014?

22          A.       No.

23          Q.       So again my question is, do you  
24      have any reason to believe that this document  
25      was not in effect in 2014?

1           A.       No.

2           Q.       And I'll direct your attention  
3       to tab 3.

4                   Do you have any reason to  
5       believe that this policy was not in effect in  
6       October of 2014?

7           A.       Now, when?

8           Q.       October of 2014.

9           A.       This has a date of  
10       September 2014, so that would be -- should be  
11       the published date of this document.

12           Q.       But you've had an opportunity  
13       to review this document, and in your role as  
14       the senior director of health and wellness  
15       practice compliance, in --

16           A.       I -- I was copied on this  
17       document and had seen this document, and this  
18       would have been Miranda's help with the  
19       logistics team as they updated their  
20       document. And I don't know if this was a  
21       prior version or not, but this was Miranda's  
22       working with the logistics team.

23           Q.       Okay. Let's unpack that a  
24       little bit. You say you were copied on this  
25       document. I don't see your name attached to

1       this document. Do you recall this from  
2       somewhere else?

3               A.       I have seen this document  
4       before, and I have received this as a copy.

5               Q.       When was that?

6               A.       I don't know the exact date.  
7       I'd have to -- I'd have to look at my email.

8               Q.       Right. To put a finer point on  
9       it, is this one of the documents that you  
10       reviewed as part of your preparation for  
11       today?

12              A.       I have seen this one, yes, in  
13       preparation.

14              Q.       Okay. It's one of the ones  
15       that you reviewed in those three meetings; is  
16       that correct?

17              A.       Yes.

18              Q.       Based on your knowledge of the  
19       Controlled Substances Act and Walmart's  
20       requirements vis-à-vis the distribution of  
21       opioids in 2014, was it your opinion that  
22       this document was in compliance with federal  
23       regulations?

24                      MR. VARNADO: Object to the  
25       form of the question.

1 THE WITNESS: Yeah, my  
2 understanding of the Controlled  
3 Substance Act and responsibility on  
4 order monitoring, when this document  
5 was produced, that this was in  
6 compliance with DEA requirements.

7 Q. (BY MR. INNES) Is it your  
8 understanding that this document, at tab 3,  
9 beginning at 111 -- sorry, strike that.

10 Bates No. 11107 replaced the  
11 policy that was at tab 2, which is Bates  
12 No. 11106?

13 A. I don't have knowledge that  
14 this -- this one under tab 3 replaced the one  
15 under tab 2.

16 They don't have the same title.

17 Q. Mr. Chapman, I'll just direct  
18 you to the chart that is on -- at tab 1,  
19 page 3.

20 A. Tab 1, page 3? Or the bullet  
21 points?

22 Q. I'm sorry. Yeah.

23 And you'll see there that it  
24 says the approximate effective date of  
25 Document 11106, the effective date ends on



1       October of 2014.

2                       And then you'll see that the  
3       next line down that says the policy beginning  
4       with Bates 11107 is -- the approximate  
5       effective date begins in October of 2014.

6               A.       I see that.

7               Q.       Does that change your  
8       understanding that -- at all, that the policy  
9       in tab 2 was replaced by the policy in tab 3?

10              MR. VARNADO: Object to the  
11       form.

12              THE WITNESS: All I'm aware of  
13       is what's here on this paper. I don't  
14       have firsthand knowledge that this  
15       tab 2 document replaced tab 3.

16              Q.       (BY MR. INNES) Okay. So when  
17       you -- when the logistics team rolled SOMs to  
18       the compliance team at the end of 2014, what,  
19       if anything, did you do to familiarize  
20       yourself with the policies that were in place  
21       at the time of that transition?

22              A.       We would have -- we would have  
23       been involved with logistics in 2014, but  
24       again, it didn't do the transition until  
25       sometime in 2014, 2015. So I don't know the

1 exact date.

2 Q. Okay. Again, my question is  
3 slightly different. I'm wondering, when you  
4 were going through that transition period,  
5 what did you do, if anything, to familiarize  
6 yourself with Walmart's SOM policies that  
7 were, at that time, housed in logistics?

8 A. I would not, in my position,  
9 have gone through and reviewed logistics  
10 policies when they made changes from one  
11 policy to the next.

12 Q. That would have been  
13 Ms. Johnson's responsibility?

14 A. It would have been logistics'  
15 responsibility, but Miranda would have had  
16 knowledge of it.

17 Q. And during the transition --

18 A. I assume.

19 Q. And during the transition,  
20 would it have been Ms. Johnson tasked with  
21 knowing what the policies were that your  
22 department was now taking ownership of?

23 A. She would know the current  
24 policy as that transitioned from logistics to  
25 practice compliance.

1           Q.       And at that point in time, she  
2       was reporting directly to you; right? This  
3       is October 2015?

4           A.       October 2015, she would have  
5       reported to me.

6           Q.       Mm-hmm.

7                   And as your direct report, did  
8       you have any oversight over -- as to what  
9       Ms. Johnson was doing, or not doing, with  
10      respect to the transition of suspicious order  
11      monitoring from logistics to compliance?

12                  MR. VARNADO: Object to the  
13      form.

14                  THE WITNESS: I would have -- I  
15      would have information on the projects  
16      she was working on, but I would not be  
17      into the great detail of every single  
18      item that she was working on.

19           Q.       (BY MR. INNES) At this point  
20      in time, you're well aware of the opioid  
21      crisis that is going on in October of 2015;  
22      is that right?

23           A.       At this time period, the opioid  
24      crisis was a topic of conversation around the  
25      U.S.

1 Q. Was it a topic of conversation  
2 at Walmart?

3 A. Yes, we would have been having  
4 conversations that this was a national issue.

5 Q. And now your department is  
6 taking the mantle on Walmart's efforts to  
7 make sure that the opioid crisis can be  
8 abated; is that right?

9 MR. VARNADO: Object to the  
10 form.

11 THE WITNESS: We would have  
12 been responsible for -- in 2015, of  
13 taking over the suspicious order  
14 monitoring.

15 Q. (BY MR. INNES) And the  
16 suspicious order monitoring is directed at,  
17 in large part, making sure that opioids are  
18 not diverted to places where they should not  
19 go; is that correct?

20 MR. VARNADO: Object to the  
21 form.

22 THE WITNESS: Again, we would  
23 be looking at records as they're  
24 placed to our warehouse and reviewing  
25 those orders, if we consider those an

1           order of interest or a suspicious  
2           order.

3           Q.       (BY MR. INNES) I'm getting  
4 something different than what you were doing  
5 and were not doing. I'd like to know why it  
6 seems you were not having more of a hands-on  
7 role with Ms. Johnson when she's -- when your  
8 department is assuming the mantle of the --  
9 of Walmart's efforts to prevent diversion.

10           MR. VARNADO: Object to the  
11           form.

12           THE WITNESS: My responsibility  
13 is much larger than this one singular  
14 issue, so I would not be down in all  
15 of the details of every single project  
16 that she was working on.

17           Q.       (BY MR. INNES) Was there a  
18 reason that -- strike that.

19                   Did you -- during the  
20 transition did you review Walmart's policies  
21 and procedures that were in place to ensure  
22 that they were compliant with federal and  
23 state regulations?

24           MR. VARNADO: Object to the  
25           form.

1 THE WITNESS: We have an  
2 ongoing process to ensure that our  
3 policies and procedures stay updated.

4 Q. (BY MR. INNES) You didn't feel  
5 it necessary for you to take a personal role  
6 in that as the director of -- senior director  
7 of practice compliance?

8 MR. VARNADO: Object to the  
9 form.

10 THE WITNESS: I have directors  
11 and senior directors that had  
12 responsibility for making sure that we  
13 were -- we continued to maintain  
14 compliance within state level, federal  
15 level, on many different areas.

16 Q. (BY MR. INNES) So you didn't  
17 take a personal role in the review of these  
18 policies and procedures as they relate to  
19 Walmart's compliance with federal and state  
20 regulations?

21 A. I'm sure I would have reviewed  
22 a document and looked at the document and  
23 been made aware of the document, but I didn't  
24 do -- review work on the document.

25 Q. Are you a member of the health

1 and wellness advisory panel?

2 A. Health and wellness advisory  
3 panel. Is it the health and wellness  
4 compliance advisory panel? What -- what's  
5 the full name?

6 Q. I can direct you to Bates  
7 No. 11109. It's the last page of tab 3. In  
8 the middle of the page it says "The health  
9 and wellness advisory panel."

10 A. Yeah, that's the -- that's  
11 the -- yes.

12 I was not a -- I was a stand-in  
13 voting member. I was not a voting member of  
14 that -- of that panel.

15 Q. At what time were you a  
16 stand-in voting member of that panel?

17 A. If my -- if my vice president  
18 wasn't in that meeting, then if there was  
19 something to be voted on, as it were, then I  
20 would participate in that role.

21 Q. Did you attend advisory panel  
22 meetings in a non-voting role?

23 A. I'm sure I did.

24 Q. At those advisory panel  
25 meetings that you attended, whether they were

1 in a voting role or non-voting role, were  
2 distribution of opioids discussed?

3 A. The controlled substance  
4 program, opioids would be discussed. SOM  
5 reporting would have been discussed, but not  
6 distribution.

7 And I'm talking logistics side.  
8 Logistics was, I believe, a part of this  
9 panel as well.

10 Q. So the health and wellness  
11 advisory panel, to your knowledge, never  
12 discussed distribution of opioids, but they  
13 did discuss SOM reporting?

14 A. There would have been  
15 discussions around the SOM program.

16 Q. Were there minutes taken of  
17 these meetings?

18 A. That, I don't know.

19 Q. Who would know if there was  
20 minutes taken of those meetings?

21 A. That would be our -- health and  
22 wellness legal would know.

23 Q. Who was in charge of taking  
24 minutes for these meetings?

25 MR. VARNADO: And let me



1           just -- there's a little bit of  
2           confusion here. I just want to  
3           object. To the extent it's calling  
4           for privileged deliberations during  
5           the controlled substance advisory  
6           panel, I'm going to instruct the  
7           witness not to answer about those  
8           privileged communications involving  
9           meetings that were done at the  
10          direction of counsel.

11                       If you're talking about some  
12          other committee, so be it.

13           Q.       (BY MR. INNES) Are you taking  
14          counsel's advice and not answering this  
15          question?

16           A.       Yes.

17           Q.       Okay. Who are the members of  
18          the health and wellness advisory panel?

19           A.       Without having a document that  
20          shows all the members, I could probably only  
21          name a few, but ...

22           Q.       Are there any members of  
23          Walmart's legal department that are members  
24          of the health and wellness advisory panel?

25           A.       Yes.

1 Q. How many members are part of  
2 the -- strike that.

3 Are the members of the legal  
4 department lawyers?

5 A. I'm sorry, say that again?

6 Q. Are the members of the legal  
7 department that are members of the health and  
8 wellness advisory panel, are those folks  
9 lawyers?

10 A. Those would be Walmart  
11 associates.

12 Q. And a Walmart associate is a  
13 lawyer?

14 A. Yeah. Walmart legal.

15 Q. Are members of -- are the  
16 members of the health and wellness advisory  
17 panel that are Walmart in-house lawyers, are  
18 they voting members?

19 A. I don't remember.

20 Q. Is there anything that would  
21 refresh your recollection as to that  
22 question?

23 A. I know we had a document that  
24 shows who was voting members.

25 MR. INNES: Counsel, I don't